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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,365	11/13/2001	David J. Zachmeyer	17310-240502	4373

25764 7590 04/08/2005

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EXAMINER

KIM, PAUL D

ART UNIT PAPER NUMBER

3729

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/008,365	<b>Applicant(s)</b> ZACHMEYER, DAVID J.	
	<b>Examiner</b> Paul D Kim	<b>Art Unit</b> 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 9-13, 16, 22 and 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 8, 15, 19-21 and 23-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action is a response to the amendment filed on 6/30/2004.

#### ***Election/Restrictions***

1. Newly submitted claims 28-34 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Newly submitted claims 28-34 recited new embodiment including a recitation of the weld being formed at the edge of the sheet material portion (as per claim 28) and leaving un-welded portions along the edge and between the weld portions (as per claim 29), which do not recited in the originally presented invention (as per claim 1).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 28-34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. This application contains claims 9-13, 16, 22, 26 and 27 drawn to an invention nonelected claims filed on 2/10/2004 including newly submitted claims 28-34 filed on 6/30/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Zavilenski et al. (US PAT. 6,371,760).

Zavilenski et al. teach a process of welding at least two components together comprising steps of: positioning a first component (54) having an edge and a major surface with respect to a second component (56) having a surface with a perimeter, such that the surface of the second component contacts the major surface of the first component, and the perimeter of the surface of the second component extends beyond the edge of the first component as shown in Fig. 1; and forming an edge weld at the edge, such that the edge weld extends beyond the edge onto the first and second component as shown in Fig. 1 (also see col. 5, line 34 to col. 7, line 30).

As per claim 2 the edge weld is located at the center of the first component as shown in Fig. 1.

As per claims 3-7 and 18 a laser energy (as a welding energy) is applied to the edge weld either a side of the first component or a side opposite to the side of the first

component and portions of the first and second component are flown or melted for welding as shown in Fig. 5.

As per claim 14 Zavilenski et al. teach that the first and second components are made of stainless steel (col. 5, lines 34-52).

5. Claims 1-7 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fileds, Jr. (US PAT. 6,261,701).

Filed, Jr. teaches a process of welding at least two components together comprising steps of: positioning a first component (30) having an edge and a major surface with respect to a second component (20) having a surface with a perimeter, such that the surface of the second component contacts the major surface of the first component, and the perimeter of the surface of the second component extends beyond the edge of the first component as shown in Fig. 2; and forming an edge weld (adjacent to 22 as shown in Fig. 1) at the edge, such that the edge weld extends beyond the edge onto the first and second component as shown in Fig. 2 (also see col. 9, lines 1-40).

As per claim 2 the edge weld is located at the center (adjacent to 22 as shown in Fig. 1) of the first component as shown in Fig. 1.

As per claims 3-7 and 18 a laser energy (as a welding energy as shown in Fig. 6C) is applied to the edge weld either a side of the first component or a side opposite to the side of the first component and portions of the first and second component are flown or melted for welding as shown in Figs. 2, 3 and 5.

6. Claims 1-5, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Albrecht et al. (US PAT. 5,821,494).

Albrecht et al. teach a process of welding at least two components together comprising steps of: positioning a first component (42) having an edge and a major surface with respect to a second component (44) having a surface with a perimeter, such that the surface of the second component contacts the major surface of the first component, and the perimeter of the surface of the second component extends beyond the edge of the first component as shown in Fig. 12A; and forming an edge weld at the edge, such that the edge weld extends beyond the edge onto the first and second components as shown in Fig. 12A (also see col. 10, lines 35-53).

As per claim 2 the edge weld is located at the center of the first component as shown in Fig. 21A.

As per claims 3-5 and 18 a laser beam (as a welding energy) is applied to the edge weld either a side of the first component or a side opposite to the side of the first component and portions of the first and second component are flown or melted for welding as shown in Fig. 5.

As per claim 17 a third component (122) is affixed simultaneously to at least one of the first and second components as shown in Fig. 12B.

***Allowable Subject Matter***

7. Claims 8, 15, 19-21 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 6/30/2004 have been fully considered but they are not persuasive. Applicant argues that the prior art of record fails to define the major surface of the component that the dimension of the major surface is great than at least some dimension of the other surfaces of the component. Examiner traverses the argument that there is no such a definition for the major surface and also there is no such a limitation recited in the claimed invention. Applicant also argues that the weld does not extend beyond the edge and the weld is not generally centering the edge. Examiner traverses the argument that the weld edges as shown in Figs. 4 and 5 Zavilenski et al. are formed beyond the edge of the first component edge and generally welded centering of the edge.

Applicant also argues that the prior art of record of Fileds, Jr. fails to teach the claimed invention such as overlapping any major surface. Examiner traverses the argument that there is no such a limitation in the claimed invention. According to claim 1, the surface of the second component contacts the major surface of the first component. The surface of the second component of Figs 1-3 of Fileds, Jr. contacts the major surface of the first component.

Applicant also argues that the prior art of record of Albrecht et al. fails to teach the claimed invention such as **welding** involves fusing components themselves without any filler. Examiner traverses the argument that there is no such a limitation in the claimed invention. Also, welding is fusing components themselves with filler (see definition).

**weld**

**weld·ed, weld·ing, welds**

1. To join (metals) by applying heat, sometimes with pressure and sometimes with an intermediate or filler metal having a high melting point.<sup>1</sup>

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 8:00 AM to 4:00 PM.

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<sup>1</sup> *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul D Kim  
Examiner  
Art Unit 3729